



IAP7 Rec'd PCT/PTO 27 JUL 2006

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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

RAPPUOLI *et al.*

Serial No. 10/527,672

Filed: March 11, 2005

)
) Group Art Unit: TBA
)
) Examiner: TBA
)
) Atty. Dkt. No. PP019766.0003
002441.00121

For: **GROUP B STREPTOCOCCUS VACCINE**

RESPONSE TO NOTIFICATION OF DEFECTIVE RESPONSE;
CORRECTION OF INVENTORSHIP UNDER 1.498 (d)

U.S. Patent and Trademark Office
Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Sir:

This paper responds to the Notification of Defective Response mailed June 28, 2006. Charge the surcharge for late filing of the Declaration, the processing fee set forth in § 1.17(i), and any other fee which may be due to our Deposit Account No. 19-0733.

The following items accompany this paper to correct the inventorship of PCT/US03/29167:

- a copy of the Notification of Defective Response;
- a copy of the inventors' declaration filed April 14, 2006;
- consent of the assignee (including a copy of a merger document submitted for recordation on July 27, 2006);
- a statement of added inventor John Telford; and
- a statement of added inventor Guido Grandi.

Respectfully submitted,

BANNER & WITCOFF, LTD.

Date: July 27, 2006

Customer No. 22907

By: Lisa M. Hemmendinger
Lisa M. Hemmendinger
Registration No. 42,653



DECLARATION FOR PATENT APPLICATION

As a below named inventor, I HEREBY DECLARE:

THAT my residence, post office address, and citizenship are as stated below next to my name;

THAT I believe I am the original, first, and sole inventor (if only one inventor is named below) or an original, first, and joint inventor (if plural inventors are named below or in an attached Declaration) of the subject matter which is claimed and for which a patent is sought on the invention entitled

GROUP B STREPTOCOCCUS VACCINE

(Attorney Docket No. PP019766.0003)

the specification of which (check one)

☐ is attached hereto.

☒ was filed on March 11, 2005 and assigned United States Application Number 10/527,672.

THAT I do not know and do not believe that the same invention was ever known or used by others in the United States of America, or was patented or described in any printed publication in any country, before I (we) invented it;

THAT I do not know and do not believe that the same invention was patented or described in any printed publication in any country, or in public use or on sale in the United States of America, for more than one year prior to the filing date of this United States application;

THAT I do not know and do not believe that the same invention was first patented or made the subject of an inventor's certificate that issued in any country foreign to the United States of America before the filing date of this United States application if the foreign application was filed by me (us), or by my (our) legal representatives or assigns, more than twelve months (six months for design patents) prior to the filing date of this United States application;

THAT I have reviewed and understand the contents of the above-identified specification, including the claim(s), as amended by any amendment specifically referred to above;

THAT I believe that the above-identified specification contains a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the invention, and sets forth the best mode contemplated by me of carrying out the invention; and

THAT I acknowledge the duty to disclose to the U.S. Patent and Trademark Office all information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, §1.56.

I HEREBY CLAIM foreign priority benefits under Title 35, United States Code §119(a)-(d) or (f) or § 365(b) of any foreign application(s) for patent or inventor's certificate, or §365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below any foreign application for patent or inventor's certificate or of any PCT international application having a filing date before that of the application on which priority is claimed.

| Prior Foreign Application Number | Country | Foreign Filing Date | Priority Claimed? | Certified Copy Attached? |
|----------------------------------|---------|---------------------|-------------------|--------------------------|
| | | | | |
| | | | | |

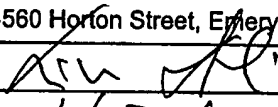
I HEREBY CLAIM the benefit under Title 35, United States Code § 119(e) of any United States provisional application(s) listed below.

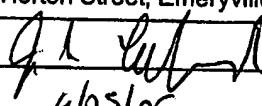
| U.S. Provisional Application Number | Filing Date |
|-------------------------------------|--------------------|
| 60/410,839 | September 13, 2002 |
| | |
| | |

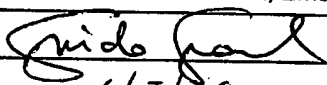
I HEREBY CLAIM the benefit under Title 35, United States Code, §120 of any United States application(s), or § 365(c) of any PCT International application designating the United States of America, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, § 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application.

| U.S. Parent Application Number | PCT Parent Application Number | Parent Filing Date | Parent Patent Number |
|--------------------------------|-------------------------------|--------------------|----------------------|
| | PCT/US2003/029167 | September 15, 2003 | |
| | | | |

I FURTHER DECLARE THAT all statements made herein of my own knowledge are true, and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

| | |
|---------------------------|---|
| Name of First Inventor | Rino Rappuoli |
| Residence (City, Country) | Castelnuovo Berardenga, Italy |
| Citizenship | Italy |
| Post Office Address | c/o 4560 Horton Street, Emeryville, California 94608 |
| Inventor's Signature |  |
| Date | 4/05 / 06 |

| | |
|-------------------------|--|
| Name of second inventor | John Telford |
| Residence (City, State) | Siena, Italy |
| Citizenship | Italy |
| Post Office Address | c/o 4560 Horton Street, Emeryville, California 94608 |
| Inventor's signature |  |
| Date | 4/05/06 |

| | |
|-------------------------|---|
| Name of third inventor | Guido Grandi |
| Residence (City, State) | Siena, Italy |
| Citizenship | Italy |
| Post Office Address | c/o 4560 Horton Street, Emeryville, California 94608 |
| Inventor's signature |  |
| Date | 4/05/06 |



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
RAPPUOLI) Group Art Unit: TBA
Serial No. 10/527,672) Examiner: TBA
Filed: March 11, 2005) Atty. Dkt. No. PP019766.0003
002441.00121
For: **GROUP B STREPTOCOCCUS VACCINE**

CONSENT TO CHANGE OF INVENTORSHIP

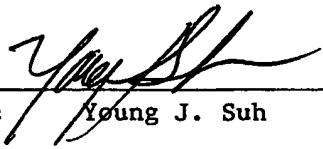
U.S. Patent and Trademark Office
Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Sir:

Novartis Vaccines and Diagnostics, Inc., owns Serial No. 10/527,672 as evidenced by the document recorded at Reel/Frame 014536/0413 and the attached Merger Document, submitted for recordation at the PTO on July 27, 2006 (confirmation receipt attached).

Novartis Vaccines and Diagnostics, Inc. hereby consents to the addition of John Telford and Guido Grandi to correct inventorship in this application. The undersigned has the authority to act on behalf of Novartis Vaccines and Diagnostics, Inc.

Date July 27, 2006


Name Young J. Suh

Assistant Secretary

Position

Novartis Vaccines and Diagnostics, Inc.



CERTIFICATE OF MERGER
of
NOVARTIS BIOTECH PARTNERSHIP, INC.
a Delaware corporation,
with and into
CHIRON CORPORATION
a Delaware corporation

Pursuant to Section 251(c) of the General Corporation Law of the State of Delaware (the "DGCL"), Chiron Corporation, a corporation organized and existing under the laws of the State of Delaware, does hereby certify as follows:

First: The name and state of incorporation of each of the constituent corporations of the merger (the "Constituent Corporations") are as follows:

| <u>Name</u> | <u>State of Incorporation</u> |
|------------------------------------|-------------------------------|
| NOVARTIS BIOTECH PARTNERSHIP, INC. | Delaware |
| CHIRON CORPORATION | Delaware |

Second: The Agreement and Plan of Merger, dated as of October 30, 2005, as amended, by and among Novartis Corporation, a New York corporation, Novartis Biotech Partnership, Inc., a Delaware corporation, Chiron Corporation, a Delaware corporation (the "Surviving Corporation"), and, for purposes of Section 10.14 thereof only, Novartis AG, a Swiss corporation (the "Merger Agreement"), has been approved, adopted, certified, executed and acknowledged by each of the Constituent Corporations in accordance with the requirements of Section 251 of the DGCL.

Third: The name of the surviving corporation of the merger is Chiron Corporation, subject to Article Fourth.

Fourth: At the effective time, the name of the Surviving Corporation shall be changed to Novartis Vaccines and Diagnostics, Inc. and the certificate of incorporation of the Surviving Corporation shall be amended and restated in the form of "Exhibit A," attached hereto and, as so amended, shall constitute the Amended and Restated Certificate of Incorporation of the Surviving Corporation. Said Certificate of Incorporation as so amended and changed shall continue to be the Certificate of Incorporation of said Surviving Corporation until further amended and changed in accordance with the provisions of the DGCL.

Fifth: The executed Merger Agreement is on file at the principal executive offices of the Surviving Corporation at 4560 Horton Street, Emeryville, California 94608.

Sixth: A copy of the Merger Agreement will be furnished by the Surviving Corporation, on request and without cost, to any stockholder of any Constituent Corporation.

Seventh: This Certificate of Merger shall be effective as of 12:01am on Thursday, April 20, 2006.

IN WITNESS WHEREOF, the undersigned has duly executed this Certificate of Merger as of this 19th day April, 2006.

CHIRON CORPORATION

By: 

Name: HOWARD H. PIEN

Title: Chairman of the Board,
Chief Executive Officer



EXHIBIT A

**AMENDED AND RESTATED CERTIFICATE OF INCORPORATION
OF
NOVARTIS VACCINES AND DIAGNOSTICS, INC.**

ARTICLE I

The name of the corporation is Novartis Vaccines and Diagnostics, Inc. (the "Corporation").

ARTICLE II

The address of the registered office of the Corporation in the State of Delaware is 1209 Orange Street City of Wilmington, County of New Castle. The name of the registered agent of the Corporation at such address is The Corporation Trust Company.

ARTICLE III

The purpose of the Corporation is to engage in any lawful act or activity for which corporations may be organized under the General Corporation Law of the State of Delaware.

ARTICLE IV

The total number of shares of stock that the Corporation shall have authority to issue is 1,000 shares with a par value of \$0.01 per share. All such shares shall be of one class and shall be designated "Common Stock".

ARTICLE V

For the management of the business and for the conduct of the affairs of the Corporation, and in further definition, limitation and regulation of the powers of the Corporation and of its directors and stockholders, it is further provided that:

Section 1. the number of directors of the Corporation shall be fixed by, or in the manner provided in, the By-laws of the Corporation;

Section 2. in furtherance and not in limitation of the powers conferred by the laws of the State of Delaware, the Board of Directors is expressly authorized and empowered to make, alter, amend or repeal the By-laws of the Corporation in any manner not inconsistent with the laws of the State of Delaware or this Amended and Restated Certificate of Incorporation, subject to the power of the stockholders of the Corporation having voting power to alter, amend or repeal the By-laws of the Corporation;

Section 3. in addition to the powers and authorities herein or by statute expressly conferred upon it, the Board of Directors may exercise all such powers and do all such acts and things as may be exercised or done by the Corporation, subject, nevertheless, to the provisions of the laws of the State of Delaware, this Amended and Restated Certificate of Incorporation and the By-laws of the Corporation;

Section 4. any director or any officer elected or appointed by the stockholders or by the Board of Directors, or any committee thereof, may be removed at any time by the unanimous consent of the stockholders or in such other manner as shall be provided in the By-laws of the Corporation; and

Section 5. unless and except to the extent that the By-laws of the Corporation shall so require, the election of directors of the Corporation need not be by written ballot.

ARTICLE VI

No director shall be personally liable to the Corporation or any of its stockholders for monetary damages for breach of fiduciary duty as a director, except for liability (a) for any breach of the director's duty of loyalty to the Corporation or its stockholders, (b) for acts or omissions not in good faith or which involve intentional misconduct or a knowing violation of law, (c) pursuant to Section 174 of the Delaware General Corporation Law, or (d) for any transaction from which the director derived an improper personal benefit. The foregoing sentence notwithstanding, if the Delaware General Corporation Law hereafter is amended to authorize further limitations of the liability of a director of a corporation, then a Director of this corporation, in addition to the circumstances in which a Director is not personally liable as set forth in the preceding sentence, shall not be liable to the fullest extent permitted by the Delaware General Corporation Law as so amended. Any repeal or modification of this ARTICLE VI by the stockholders of the Corporation shall not adversely affect any right or protection of a director of the Corporation existing at the time of such repeal or modification with respect to acts or omissions occurring prior to such repeal or modification.

ARTICLE VII

No contract or transaction between the Corporation and one or more of its directors or officers (or between the Corporation and any other corporation, partnership, association or other organization in which one or more of its directors or officers are directors or officers, or have a

financial interest) shall be void or voidable solely for such reason, or solely because the director or officer is present at or participates in the meeting of the Board of Directors or committee thereof that authorizes the contract or transaction, or solely because his, her or their votes are counted for such purpose, if:

Section 1. the material facts as to his, her or their relationship or interest and as to the contract or transaction are disclosed or are known to the Board of Directors or the committee, and the Board of Directors or committee in good faith authorizes the contract or transaction by the affirmative votes of a majority of the disinterested directors, even though the disinterested directors be less than a quorum;

Section 2. the material facts as to his, her or their relationship or interest and as to the contract or transaction are disclosed or are known to the stockholders entitled to vote thereon, and the contract or transaction is specifically approved in good faith by vote of the stockholders; or

Section 3. the contract or transaction is fair as to the Corporation as of the time it is authorized, approved or ratified by the Board of Directors, a committee thereof or the stockholders.

Common or interested directors shall be counted in determining the presence of a quorum at a meeting of the Board of Directors or of a committee that authorizes any such contract or transaction. No director or officer shall be liable to account to the Corporation for any profit realized by him or her from or through such contract or transaction solely by reason of the fact that he or she or any other corporation, partnership, association or other organization in which he or she is a director or officer, or has a financial interest, was interested in such contract or transaction.

ARTICLE VIII

The Corporation shall indemnify any person who was or is a party or is threatened to be made a party to any threatened, pending or completed action, suit or proceeding, whether civil, criminal, administrative or investigative, by reason of the fact that such person, his or her testator or intestate is or was a director, officer, employee or agent of the Corporation or any predecessor of the Corporation, or is or was serving at the request of the Corporation or any predecessor of the Corporation as a director, officer, employee or agent of another corporation, partnership, joint venture, trust or other enterprise, against expenses (including attorneys' fees), judgments, fines and amounts in connection with such action, suit or proceeding, in accordance with the laws of the State of Delaware, and to the full extent permitted by such laws. Expenses incurred in defending a civil, criminal, administrative or investigative action, suit or proceeding, by reason of the fact that such person, his or her testator or intestate is or was a director, officer, employee or agent of the Corporation or any predecessor of the Corporation, or is or was serving at the request of the Corporation or any predecessor of the Corporation as a director, officer, employee or agent of another corporation, partnership, joint venture, trust or other enterprise shall be paid by the Corporation in advance of the final disposition of such action, suit or proceeding upon receipt of an undertaking by or on behalf of such person to repay such amount if it shall ultimately be determined that such person is not entitled to be indemnified by the

Corporation as authorized by relevant sections of the Delaware General Corporation Law. Such indemnification shall not be deemed exclusive of any other rights to which those seeking indemnification may be entitled under any by-law, agreement, vote of stockholders or disinterested directors or otherwise, including insurance purchased and maintained by the Corporation, both as to action in his or her official capacity and as to action in another capacity while holding such office, and shall continue as to a person who has ceased to be a director, officer, employee or agent and shall inure to the benefit of the heirs, executors and administrators of such a person.

The foregoing provisions of this Article VIII shall be deemed to be a contract between the Corporation and each director who serves in such capacity at any time while this Article VIII is in effect, and any repeal or modification thereof shall not affect any rights or obligations then existing with respect to any state of facts then or theretofore existing or any action, suit or proceeding theretofore or thereafter brought based on whole or in part upon any such state of facts.

ARTICLE IX

The Corporation reserves the right at any time and from time to time to amend, alter, change or repeal any provision contained in this Amended and Restated Certificate of Incorporation (including provisions as may hereafter be added or inserted in this Amended and Restated Certificate of Incorporation as authorized by the laws of the State of Delaware) in the manner now or hereafter prescribed by law; and all rights, preferences and privileges of whatsoever nature conferred upon stockholders, directors or any other persons whomsoever by and pursuant to this Amended and Restated Certificate of Incorporation in its current form or as hereafter amended are granted subject to the right reserved in this Article IX.

Delaware

PAGE 1

The First State

I, HARRIET SMITH WINDSOR, SECRETARY OF STATE OF THE STATE OF DELAWARE, DO HEREBY CERTIFY THE ATTACHED IS A TRUE AND CORRECT COPY OF THE CERTIFICATE OF MERGER, WHICH MERGES:

"NOVARTIS BIOTECH PARTNERSHIP, INC.", A DELAWARE CORPORATION,

WITH AND INTO "CHIRON CORPORATION" UNDER THE NAME OF "NOVARTIS VACCINES AND DIAGNOSTICS, INC.", A CORPORATION ORGANIZED AND EXISTING UNDER THE LAWS OF THE STATE OF DELAWARE, AS RECEIVED AND FILED IN THIS OFFICE THE NINETEENTH DAY OF APRIL, A.D. 2006, AT 12:25 O'CLOCK P.M.

AND I DO HEREBY FURTHER CERTIFY THAT THE EFFECTIVE DATE OF THE AFORESAID CERTIFICATE OF MERGER IS THE TWENTIETH DAY OF APRIL, A.D. 2006, AT 12:01 O'CLOCK A.M.

A FILED COPY OF THIS CERTIFICATE HAS BEEN FORWARDED TO THE NEW CASTLE COUNTY RECORDER OF DEEDS.



2108457 8100M

060363242

Harriet Smith Windsor

Harriet Smith Windsor, Secretary of State
AUTHENTICATION: 4678437

DATE: 04-19-06



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
RAPPUOLI *et al.*) Group Art Unit: TBA
Serial No. 10/527,672) Examiner: TBA
Filed: March 11, 2005) Atty. Dkt. No. PP019766.0003
002441.00121
For: **GROUP B STREPTOCOCCUS VACCINE**

STATEMENT OF JOHN TELFORD

U.S. Patent and Trademark Office
Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Sir:

I, John Telford, state that any error in inventorship in international application
PCT/US03/29167 occurred without deceptive intent on my part.

27 July 2006
Date

John Telford

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

| | | |
|---|---|------------------------------|
| <i>In re</i> Application of: |) | |
| RAPPUOLI <i>et al.</i> |) | Group Art Unit: TBA |
| Serial No. 10/527,672 |) | Examiner: TBA |
| Filed: March 11, 2005 |) | Atty. Dkt. No. PP019766.0003 |
| |) | 002441.00121 |
| For: GROUP B STREPTOCOCCUS VACCINE | | |

STATEMENT OF GUIDO GRANDI

U.S. Patent and Trademark Office
Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Sir:

I, Guido Grandi, state that any error in inventorship in international application PCT/US03/29167 occurred without deceptive intent on my part.

27 July 2006
Date

Guido Grandi
Guido Grandi



United States Patent and Trademark Office

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Electronic Patent Assignment System

Confirmation Receipt

Your assignment has been received by the USPTO.
The coversheet of the assignment is displayed below:

PATENT ASSIGNMENT

Electronic Version v1.1
Stylesheet Version v1.1

| SUBMISSION TYPE: | NEW ASSIGNMENT | | | | | | | | | | |
|---|---|---|------------------------------------|--------------------|--------------------|------------|-----------------------|------------|---------------------|-------|--|
| NATURE OF CONVEYANCE: | MERGER | | | | | | | | | | |
| EFFECTIVE DATE: | 04/20/2006 | | | | | | | | | | |
| CONVEYING PARTY DATA | | | | | | | | | | | |
| <table border="1"><thead><tr><th>Name</th><th>Execution Date</th></tr></thead><tbody><tr><td>Novartis Biotech Partnership, Inc.</td><td>04/19/2006</td></tr><tr><td>Chiron Corporation</td><td>04/19/2006</td></tr></tbody></table> | Name | Execution Date | Novartis Biotech Partnership, Inc. | 04/19/2006 | Chiron Corporation | 04/19/2006 | | | | | |
| Name | Execution Date | | | | | | | | | | |
| Novartis Biotech Partnership, Inc. | 04/19/2006 | | | | | | | | | | |
| Chiron Corporation | 04/19/2006 | | | | | | | | | | |
| RECEIVING PARTY DATA | | | | | | | | | | | |
| <table border="1"><tr><td>Name:</td><td>Novartis Vaccines and Diagnostics, Inc.</td></tr><tr><td>Street Address:</td><td>4560 Horton Street</td></tr><tr><td>City:</td><td>Emeryville</td></tr><tr><td>State/Country:</td><td>CALIFORNIA</td></tr><tr><td>Postal Code:</td><td>94608</td></tr></table> | Name: | Novartis Vaccines and Diagnostics, Inc. | Street Address: | 4560 Horton Street | City: | Emeryville | State/Country: | CALIFORNIA | Postal Code: | 94608 | |
| Name: | Novartis Vaccines and Diagnostics, Inc. | | | | | | | | | | |
| Street Address: | 4560 Horton Street | | | | | | | | | | |
| City: | Emeryville | | | | | | | | | | |
| State/Country: | CALIFORNIA | | | | | | | | | | |
| Postal Code: | 94608 | | | | | | | | | | |
| PROPERTY NUMBERS Total: 1 | | | | | | | | | | | |
| <table border="1"><thead><tr><th>Property Type</th><th>Number</th></tr></thead><tbody><tr><td>Application Number:</td><td>10527672</td></tr></tbody></table> | Property Type | Number | Application Number: | 10527672 | | | | | | | |
| Property Type | Number | | | | | | | | | | |
| Application Number: | 10527672 | | | | | | | | | | |
| CORRESPONDENCE DATA | | | | | | | | | | | |
| Fax Number: (202)824-3791 | | | | | | | | | | | |
| Correspondence will be sent via US Mail when the fax attempt is unsuccessful. | | | | | | | | | | | |
| Email: lhemmendinger@bannerwitcoff.com | | | | | | | | | | | |

| | |
|---|------------------------|
| Correspondent Name: Lisa M. Hemmendinger Address Line 1: 1001 G Street, N.W. Address Line 2: Banner & Witcoff, Ltd. Address Line 4: Washington, DISTRICT OF COLUMBIA 20001 | |
| ATTORNEY DOCKET NUMBER: | 002441.00121 |
| NAME OF SUBMITTER: | Lisa M. Hemmendinger |
| Signature: | /Lisa M. Hemmendinger/ |
| Date: | 07/27/2006 |
| Total Attachments: 8 source=Novartis Merger Certificate#page1.tif source=Novartis Merger Certificate#page2.tif source=Novartis Merger Certificate#page3.tif source=Novartis Merger Certificate#page4.tif source=Novartis Merger Certificate#page5.tif source=Novartis Merger Certificate#page6.tif source=Novartis Merger Certificate#page7.tif source=Novartis Merger Certificate#page8.tif | |
| RECEIPT INFORMATION EPAS ID: PAT137183 Receipt Date: 07/27/2006 Fee Amount: \$40 | |

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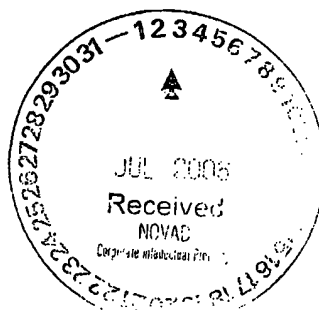
UNITED STATES PATENT AND TRADEMARK OFFICE



UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

| | | |
|-----------------------------|-----------------------|------------------|
| U.S. APPLICATION NUMBER NO. | FIRST NAMED APPLICANT | ATTY. DOCKET NO. |
| 10/527,672 | Rino Rappuoli | 002441.00121 |

27476
Chiron Corporation
Intellectual Property - R440
P.O. Box 8097
Emeryville, CA 94662-8097



| | |
|-------------------------------|---------------|
| INTERNATIONAL APPLICATION NO. | |
| PCT/US03/29167 | |
| I.A. FILING DATE | PRIORITY DATE |
| 09/15/2003 | 09/13/2002 |

CONFIRMATION NO. 7180
371 FORMALITIES LETTER



OC000000019370149

Date Mailed: 06/28/2006

NOTIFICATION OF DEFECTIVE RESPONSE

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495)

- Priority Document
- Copy of the International Application filed on 03/11/2005
- Copy of the International Search Report filed on 03/11/2005
- Preliminary Amendments filed on 03/11/2005
- Information Disclosure Statements filed on 03/11/2005
- Biochemical Sequence Diskette filed on 03/11/2005
- Oath or Declaration filed on 04/18/2006
- Biochemical Sequence Listing filed on 03/11/2005
- Request for Immediate Examination filed on 03/11/2005
- U.S. Basic National Fees filed on 03/11/2005
- Priority Documents filed on 03/11/2005

Applicant's response filed 04/18/2006 is hereby acknowledged. The following requirements set forth in the NOTIFICATION of MISSING REQUIREMENTS mailed 09/14/2005 have not been completed.

The applicant needs to satisfy supplemental fees problems indicated below.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date. The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) in that it:
 - There are two inventors identified on declaration that are not list on the international application.
- Surcharge (for late submission of filing fee, search fee, examination fee or oath or declaration) as set forth in 37 CFR 1.492(h) of \$130 was not received.

DOCKETED on/by 7/3/06, em
Atty. LT/RMP
File # PPO 19766,0003
Due Date Ext
Final Date 7/28/06 R36

4/14/06 submission non-responsive

SUMMARY OF FEES DUE:

Total additional fees required for this application is **\$130** for a Large Entity:

- **\$130** Surcharge.

Applicant is required to complete the response within a time limit of ONE MONTH from the date of this Notification or within the time remaining in the response set forth in the Notification of Missing Requirements, whichever is the longer. No extension of this time limit may be granted under 37 CFR 1.136, but the period for response set in the Notification of Missing Requirements may be extended under 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

CHARITTA A BURT

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PART 1 - ATTORNEY/APPLICANT COPY

| U.S. APPLICATION NUMBER NO. | INTERNATIONAL APPLICATION NO. | ATTY. DOCKET NO. |
|-----------------------------|-------------------------------|------------------|
| 10/527,672 | PCT/US03/29167 | 002441.00121 |